

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

)	
Missouri Department of Corrections,)	
Movant,)	Case No. 2:16-MC-9005
)	
versus)	
)	Related: 3:15-CV-00295
Richard Jordan and Ricky Chase,)	(S.D. Miss.)
Respondents.)	
)	

**SUGGESTIONS IN OPPOSITION TO MOTION FOR LEAVE
TO FILE CORRECTED PRIVILEGE LOG**

Respondents, Richard Jordan and Ricky Chase, object to the Missouri Department of Corrections’ Motion for Leave to File Corrected Privilege Log (Doc. 18). Respondents have previously noted, in their Suggestions in Opposition to Motion to Quash Third-Party Subpoena (Doc. 16), that the Missouri Department of Corrections’ Privilege Log lacks the specificity necessary to adjudicate the Department’s claims of privilege on a document-by-document basis. *Id.* at 25.

The log, even as corrected, does not “enable the parties to assess the applicability of the privilege being asserted.” *See Insurance Corp. of Hanover v. Vantage Property Management, L.L.C.*, 2006 WL 1131759 (W.D. Mo. 2006); *Baranski v. United States*, 283 F.R.D. 520, 524-25 (E.D. Mo. 2012). The Department’s privilege log does not state the title or type of the document, the subject matter of the document, the author of the document, or the recipient(s) of the document. For these reasons, Jordan and Chase are unable to evaluate the Department’s privilege assertions, including the change in the corrected log from reliance on the “deliberative process” privilege to reliance on the Missouri statute (Mo. Rev. Stat. 546.720) as to documents 14, 15 and 16.

Jordan and Chase therefore object to the privilege log, and request that the Court require the Department to produce a new privilege log stating the title of the document, the type of the document, subject matter of the document, the author of the document, or the recipient(s) of the document.

This the 28th day of June, 2016.

Respectfully Submitted,

/s/James W. Craig

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that I have caused this pleading to be served on all counsel in this case by filing same with this Court's ECF system.

This the 28th day of June, 2016.

/s/James W. Craig